

IN THE SUPREME COURT OF INDIA**INHERENT JURISDICTION****CONTEMPT PETITION (CIVIL) NO. 218 OF 2025****IN****SPECIAL LEAVE PETITION (CIVIL) NO. 21177 OF 2024****M/S. LAXMI CONSTRUCTION & ANR.****...PETITIONER(S)****VERSUS****HARSH GOYAL & ANR.****...RESPONDENT(S)****O R D E R**

1. The instant contempt petition has been filed under Section 12 and 2(b) of the Contempt of Courts Act, 1971 and Rule 3 of the Rules to Regulate the Proceedings for Contempt of the Supreme Court, 1975 read with Article 129 of the Constitution of India, alleging non-compliance of the order dated 20.09.2024 passed in Special Leave Petition (Civil) No. 21177 of 2024, wherein, the judgment dated 14.05.2024¹ was assailed. Before the High Court, order dated 07.09.2022² as well

1 passed by the High Court of Judicature at Allahabad in 'Matters Under Article 227 No. 1821/2024'.

2 passed by Additional District Judge (Administrative), Saharanpur, (in short '**Rent Controlling Authority**') in Case No. 2082 of 2022.

2. Since the matter arose out of eviction proceedings before this Court in the special leave petition, therefore, the order passed by the Rent Controlling Authority on 07.09.2022 directing eviction is relevant which is reproduced as under: -

On the basis of the above discussion, the application submitted by the Applicants M/s. Laxmi Constructions, Office 2/655 Bhagat Singh Road, Ghanta Ghar, Saharanpur District Saharanpur through its partner Shri Ashish Kumar son of late Shri Lakshmi Prakash resident of 4/160A, Safdarjung Enclave, New Delhi and others is accepted and Respondent Nos. 1 and 2 Harsh Goyal and Rajesh Goyal, sons of late Shri Virendra Behari Goyal, residents of Bungalow No. 12/1410/11 (old number 43) situated at Rose bank, Ahmed Bagh/Chandranagar, Court Road Saharanpur are evicted from the disputed property. If any decision/order is passed by any competent court regarding ownership, that order will automatically come into effect and the order passed by this court will remain subject to the order passed by

3 passed by the District Judge, Saharanpur, (in short '**Rent
Appellate Authority**') in Rent Appeal No. 57 of 2022.

the competent court. Respondent Nos. 1 and 2 are directed to vacate the said property within 30 days themselves, otherwise forcible possession will be taken, the full responsibility of which will be of the Respondents. File be consigned to the record room.

xx xx xx

"

3. The order of the Rent Controlling Authority was confirmed in Rent Appeal by the Rent Appellate Authority on 22.01.2024. The operative part of the order is reproduced as under: -

"

ORDER

The rent control appeal filed by the Appellant is dismissed. The impugned order dated 07.09.2022 passed by the Ld. Lower court is confirmed. A copy of this order be sent to the Ld. Court below and filed be consigned to the record room."

4. On assailing both the orders before the High Court, the writ petition filed by tenant was dismissed making following observations: -

"12. I have considered the rival submissions made by learned counsel for the parties, perused the record and judgment relied upon.

13. So far as violation of Rule 7(2) & 7(3) of the Rules, 2021 is concerned, it is not disputed that application before rent authority was filed on 20.04.2021, whereas, as per the gazette notification, Rules, 2021 was made applicable w.e.f. 18.08.2021. Therefore, this argument of learned Senior Counsel is having no substance and the Rules, 2021 is not applicable on the date of filing of application.

14. Second argument of learned Senior Counsel is that there is no tenancy agreement between the parties in light of Section 4(1), (2) & (3) of the Act, 2021 as respondent-plaintiff has not submitted his particulars as required in the aforesaid sections. Sri Ashish Kumar Singh, learned counsel for the respondents has produced certified copy of rejoinder affidavit annexing therein agreement submitted before the rent authority on 20.04.2021. Rent authority has also passed order dated 22.08.2022 accepting the information submitted by respondent-plaintiff under Sections 4(1), (2) & (3) of the Act 2021. Therefore, this contention of learned Senior Counsel is also having no substance.

15. Now, coming to the last issue argued by the learned Senior Counsel about the filing of application by the unregistered firm. A similar issue was before this Court in the matter of **Saharanpur Estates and Constructions (Supra)**, as to whether an unregistered firm under Section 69(2) of the Partnership Act, 1932 may file suit or not. Relevant paragraph of the said judgment are being quoted hereinbelow :

"10. In M/s Raptakos Brett and Company Ltd. v. Ganesh Property, AIR 1998 SC 3085, Hon'ble Supreme Court examined the maintainability of suit filed by a registered firm in the context of provisions of Section 69(2) of the Partnership Act 1932 and held that the suit filed by an unregistered firm is not barred under Section 69(2) of the Act 1932 if it is based on a statutory right or a common law right. It also observed that the right to evict a tenant upon expiry of the lease was not a right "arising from a contract" but was a statutory right conferred under the provisions of Transfer of Property Act, 1882. The decision in M/s Raptakos Brett and Company Ltd. (supra) was referred with approval in M/s Haldiram

Bhujiawala and another v. M/s Anand Kumar Deepak Kumar and another, AIR 2000 SC 1287. Similar view has been taken by a bench of this court in *Punjab and Sind Banki and another vs. M/s. Manoram Agencies and others*, 2008 (4) ADJ 248.

11. For all the reasons afore-stated, the writ petition is allowed. The impugned order dated 13.04.2015 in Case No.1 of 1998 (M/s Saharanpur Estates vs. Saharanpur Cold Storage Ltd.) under Section 29A of U.P. Act XIII of 1972 passed by the Additional District Magistrate (A)/Rent Control and Eviction Officer, Saharanpur, cannot be sustained and is hereby quashed. Matter is remitted back to the respondent No.1 to decide the aforesaid Case No.1 of 1998 in accordance with law, expeditiously, preferably within four months from the date of presentation of a certified copy of this order, after affording reasonable opportunity of hearing to the parties."

16. This Court after considering very similar issue has clearly held that suit is not barred under Section 69(2) of Act, 1932 and held that the suit filed by an unregistered firm, if it is based on a statutory right or a common law right is maintainable. Court has further held that right to evict a tenant upon expiry of the lease was not a right arising from a contract but is a statutory right conferred under the provisions of Transfer of Property Act, 1882. Therefore, an unregistered firm can maintain suit for eviction.

17. Therefore, in the light of facts as well as ratio laid down by the court, the last argument about the non-maintainability of suit by unregistered firm is also not sustainable.

18. Under such facts of the case, provisions of statutes as well as law laid down by the Courts, I found no infirmity in the impugned orders dated 07.09.2022 & 22.01.2024.

19. Petition lacks merit and is accordingly dismissed."

5. The challenge to the aforesaid order was made in the Special Leave Petition (Civil) No. 21177 of 2024, which came to be dismissed vide order dated 20.09.2024. The relevant portion of the aforesaid order is reproduced as under: -

"1. After having heard learned counsel for the parties, we do not find any ground to interfere with the impugned judgment passed by the High Court. The Special Leave Petition is, accordingly, dismissed.

2. Learned counsel for the petitioners prays for minimum six months' time to vacate the suit premises. In the facts and circumstances of the case, we direct that the suit premises shall be vacated by the petitioners on or before 31.03.2025 subject to payment of rent and arrears thereof. The petitioners shall hand over the vacant possession of the suit premises to the respondents on or before 31.03.2025 and shall not part with or create third party right therein. The petitioners shall file a usual undertaking in this regard within a period of two weeks from today before the Registrar, High Court of judicature at Allahabad. The violation of the aforesaid terms would be treated as non-compliance of the order of this Court.

3. Pending interlocutory application(s), if any, is/are disposed of."

6. In furtherance to the said order, the tenants (petitioners in the special leave petition) were

required to hand over the possession on or before 31.03.2025 subject to payment of arrears of rent and furnishing usual undertaking within a period of two weeks before the Registrar, High Court of Judicature at Allahabad. In compliance, the undertaking was filed by both the contemnors on 01.10.2024, which are reproduced as under: -

"I, Harsh Goyal, S/o Late Virender Goyal, aged about 79 years, resident of 14010/2, Kothi Rose Bank, Ahmad Bagh, Civil Lines, Saharanpur do hereby solemnly affirm and undertake as follows: -

1. That, in compliance with the Hon'ble Supreme Court Order dated 20.09.2024 in the above-mentioned Special Leave Petition, I along with the other petitioner(s), will abide by the Supreme Court orders and vacate the suit premises located at 1410/2, Kothi Rose bank, Ahmad Bagh, Civil Lines, Saharanpur on or before 31.03.2025.

2. That we undertake not to part with the possession of the suit premises or create any third-party rights therein during this period.

3. This undertaking is being submitted without prejudice to the pending litigation or claims regarding the disputed property and I reserve my rights therein.

This undertaking is filed in compliance with the order of Hon'ble Supreme Court dated 20.09.2024."

xxx

xxx

xxx

"I, Rajesh Goyal, S/o Late Virender Goyal, aged about 66 years, resident of 14010/2, Kothi Rose Bank, Ahmad Bagh, Civil Lines, Saharanpur do hereby solemnly affirm and undertake as follows: -

1. That, in compliance with the Hon'ble

Supreme Court Order dated 20.09.2024 in the above-mentioned Special Leave Petition, I along with the other petitioner(s), will abide by the Supreme Court orders and vacate the suit premises located at 1410/2, Kothi Rose bank, Ahmad Bagh, Civil Lines, Saharanpur on or before 31.03.2025.

2. That we undertake not to part with the possession of the suit premises or create any third-party rights therein during this period.

3. This undertaking is being submitted without prejudice to the pending litigation or claims regarding the disputed property and I reserve my rights therein.

This undertaking is filed in compliance with the order of Hon'ble Supreme Court dated 20.09.2024."

7. It is not in dispute that despite an order of eviction passed by the authorities and confirmed up to this Court and on furnishing the undertaking before the Registrar of the High Court of Judicature at Allahabad, the possession of the suit premises was not delivered. However, in the interregnum, respondent/contemnors filed Review Petition (Civil) 461/2025 against the order dated 20.09.2024, which was dismissed on 18.03.2025. They also filed a Miscellaneous Application being M.A. No. 505 of 2025 in SLP (C) No. 21177/2024 seeking modification, which was dismissed on 24.03.2025 observing as thus:-

"1) After hearing learned counsel, we are not inclined to entertain this miscellaneous

application. Accordingly, the miscellaneous application is dismissed. Pending application(s), if any, shall stand disposed of."

8. In compliance to the directions and in furtherance to the undertaking, even after dismissal of review petition and the miscellaneous application, possession was not handed over on or before 31.03.2025.

9. The petitioners served the notice to the respondents through WhatsApp on 31.03.2025 itself and also submitted the application to the executing court indicating non-delivery of possession. Thereafter, the present contempt petition was filed in April 2025 wherein the notice was issued on 28.04.2025 to the alleged contemnors directing their presence on the next date.

10. The counter affidavit was filed by the contemnors *inter-alia* stating, the application has been filed by them before the executing court alleging that the sale deed of the landlord is forged one and by accepting the said document granting decree of eviction is not justified. The Rent Controlling Authority vide order

dated 15.05.2025 allowed the said application without notice to the petitioners, directing to recall the order of eviction and restore the proceedings to its original number.

11. Being aggrieved, the landlord (petitioner herein) filed Writ A. No. 8420 of 2025. The High Court vide order dated 17.07.2025 set aside the order and remitted the matter to the Rent Controlling Authority with the following directions: -

“ xxx xxx xxx

8. Accordingly, the present petition is allowed and impugned order dated 15.05.2025 passed by the Rent Authority/Additional District Magistrate (Administration), Saharanpur is set aside. The matter is remitted to the Rent Authority to decide the application of respondent nos. 3 & 4 under Rule 34(H) read with Rule 11(D) of the U.P. Act No. 16 of 2021 afresh strictly in accordance with law within a period of three months from the date of production of certified copy of this order after giving due notice and opportunity of hearing to all the concerned parties. There shall be no order as to costs. ”

12. As can be gathered from above, on setting aside the order of recall and on remittance the Rent Controlling Authority is required to consider the application of tenant afresh. In the meantime, the instant contempt

proceedings came up for hearing and on 09.09.2025, the following order was passed: -

"1) In the present case, after the judgment of eviction passed by the Rent Controlling Authority, First Appellate Court and by the High Court, SLP (C) No. 21177 of 2024 preferred by the respondents-contemnors was dismissed on 20.09.2024. While dismissing the special leave petition, on the request made by the contemnors, time to vacate the premises till 31.03.2025 was allowed. They were directed to file undertaking which they have furnished. Review Petition and Miscellaneous Application for modification filed by them were also dismissed by this Court.

2) After elapse of time on 31.03.2025, application dated 30.04.2025 was entertained by the Rent Controlling Authority and order of recall of the judgment of eviction was passed. The said order has been set aside by the High Court.

3) In the said situation, after hearing learned senior counsel appearing on behalf of both the parties, we have asked the contemnors-Mr. Harsh Goyal and Mr. Rajesh Goyal, who are present in the Court, whether they are ready to vacate the premises as directed and as per the undertaking given. It is stated by the contemnors that they shall vacate the premises within two weeks. Taking a lenient view, we grant two weeks' time to vacate the premises, subject to further orders of this Court.

4) Affidavit of delivery of possession handing over the keys to the other side be filed on or before the next date of listing.

5) List on 26th September, 2025.

6) In case the possession has not been handed over, the respondents-contemnors shall remain personally present on the next date of listing. "

13. From the above, it is clear that, the alleged

14. It is further relevant to note that the order dated 17.07.2025 passed by the High Court in Writ A. No. 8420 of 2025 allowing the writ petition and remitting the matter was assailed by the alleged contemnors by filing the Special Leave Petition (C) No. 27184 of 2025. The said petition came for hearing on 22.09.2025. After hearing the alleged contemnors, this Court passed a detailed order. The relevant part of the order is reproduced as thus: -

" xxx xxx xxx

11. Today this Special leave Petition against
the abovementioned order of the High Court dated
17.05.2025 has come up for admission. We find that

this petition has been filed on 19.09.2025 after the undertaking as recorded above had been given. This, in our considered view, is nothing short of, the gross abuse of process of law, and overreaching the orders passed by this Court. As such, we decline to entertain this petition on merits.

12. However, in the attending facts and circumstances, the tenant is directed to deposit cost quantified @ Rs. 5 Lakhs (Rupees Five Lakhs Only) with the Supreme Court Middle Income Group Legal Aid Society. Further, considering how the present proceedings have come up before this Court, particularly the competent authority entertaining a restoration application against an order in respect of which this Court had already dismissed a Special Leave Petition, we issue notice to the Authority i.e., Additional District Magistrate (Administration), Division-Saharanpur, District: Tehsil, who had entertained and decided the application seeking review of the initial order dated 07.09.2022, as to why proceedings for contempt need not be initiated against her/him.

13. A copy of this order is directed be sent to the Registrar General of the High Court of Judicature at Allahabad for necessary information and compliance."

15. In view of the above, this Court found that the action of the tenants (alleged contemnors) to file an application of recall of eviction decree even after confirmation by the appellate authority, High Court and this Court amounts to grave abuse of process of law and amount to overreach the orders of this Court. While dismissing, the tenants were also saddled with the

costs of Rs. 5 lakhs. At the same time, the Rent Controlling Authority, who entertained the application of restoration even after dismissal of Special Leave Petition (C) No. 21177 of 2024, was noticed as to why the proceedings of contempt need not to be initiated against him.

16. Thus, from the above conspectus, it can safely be concluded that the order of eviction passed by the Courts below confirmed by the High Court against which Special Leave Petition (C) No. 21177 of 2024 was dismissed on 20.09.2024. On the request of the tenants, time to vacate the premises till 31.03.2025 was granted subject to the conditions as stipulated in the order. The tenants furnished their undertaking before the High Court on 01.10.2024 to vacate the premises on or before 31.03.2025. Even application filed by contemnor for recall of the eviction decree was allowed *ex-parte* vide order dated 15.05.2025 by the Rent Controlling Authority restoring the eviction proceedings to its original number. The landlord (petitioners) being

aggrieved, filed Writ A. No. 8420 of 2025, which came to be allowed on 17.07.2025. The said order was challenged in Special Leave Petition (C) No. 27184 of 2025, wherein detailed order was passed recording a finding that the tenants are misusing the process of law and costs was imposed, and the Rent Controlling Authority was noticed asking *rule nisi* for contempt of his/her action. Therefore, from the sequel of facts it is clear that despite having knowledge of the direction of eviction, the tenants have not vacated the premises and even after granting two weeks' time in the proceedings of this case on 09.09.2025, the possession has not been handed over. At the same time, they have made attempt to frustrate the orders of eviction. without vacating the premises as required for compliance of the orders of this Court.

17. On the previous date, i.e., 09.09.2025 when the order was passed, one Mr. Dinesh Dwivedi, learned senior counsel had appeared and argued on behalf of the alleged contemnors. Today, on behalf of the alleged

contemnor No. 1 the new advocate, Mr. Sagar Pahune Patil has entered appearance. The alleged contemnor No. 2 appeared in person and submits that he has no money to engage the advocate, therefore, he wishes to argue the case in person. As such we have accepted his request. On being asked from the learned counsel for the alleged contemnor No. 1, why in furtherance to the orders of this Court, compliance is not done by delivering the possession. Learned counsel has fairly stated that the possession has not yet been handed over. Alleged contemnor No. 2 has stated that nobody has come to take possession, therefore, he could not hand over the possession.

18. After hearing counsel for alleged contemnor No. 1 and alleged contemnor No. 2 in person, we find in compliance of order of this Court, the possession has not been handed over. Simultaneously, the alleged contemnor No. 2 intends to mislead this Court and wants to take the sympathy of being poor. The records indicate that on previous date on his behalf senior

advocate along with battery of lawyers argued the case for him. Similarly, in the Special Leave Petition (C) No. 27184 of 2025, Mr. Ranjit Kumar, senior counsel had argued the case on his behalf before Co-ordinate bench. Therefore, the plea taken by him of having no money being poor is not convincing and which is an attempt to mislead this Court.

19. From the conduct of the alleged contemnors coupled with the findings recorded above, we are of the firm view that the case in hand is one of the glaring cases, wherein the tenants *firstly*, did not comply with the directions and undertaking furnished; *secondly*, despite granting time to vacate on 09.09.2025, they did not vacate the premises; *thirdly*, after passing the order dated 22.09.2025 in Special Leave Petition (C) No. 27184 of 2025 imposing a costs of Rs. 5 lakhs for misusing the process of law, re-agitating the issue portraying that he has no money is completely uncalled for. Such an act of the tenants falls within the purview of deliberate and willful non-compliance of the orders of the Court and amounts to contempt as per

Section 2(b) of the Contempt of Courts Act, 1971. In view of the above, we hold both the contemnors guilty for non-compliance of the orders of this Court as well as the undertaking furnished.

20. The contemnors, present in the Court, have been heard on the question of punishment. Learned counsel for the alleged contemnor No. 1 submits that his client is 82 years of age and he has come in wheelchair, therefore, he may not be sent to prison and accepts imposition of fine to meet the punishment, if any. On the other hand, contemnor No. 2 present in person submits that as per the order of this Court he had started to vacate the premises but in the meantime due to order dated 22.09.2025 passed in Special Leave Petition (C) No. 27184 of 2025 he stopped such vacation because the Rent Controlling Authority was required to decide his application for recalling the decree of eviction within 90 days.

21. After hearing, we find that contemnor No. 2 is

again trying to mislead this Court contrary to the directions, despite being held guilty of non-compliance, even at the stage of hearing on the question of punishment. In terms of the order passed on 22.09.2025 in Special Leave Petition (C) No. 27184 of 2025, it is clear that for misusing the process of the court the tenants were saddled with a cost of Rs. 5 lakhs and the Rent Controlling Authority was called in contempt as to how he can entertain the restoration application despite the orders of the Appellate Authority and the High Court, which were confirmed by this Court. In such circumstances, we are of the firm view that both the contemnors deserve suitable punishment.

22. Considering the aforesaid, the contempt petition is allowed and the contemnor nos. 1 and 2 are held guilty of contempt under Section 2(b) of the Contempt of Courts Act, 1971 for wilful and deliberate non-compliance of orders passed by this Court. On the

question of punishment, looking to the age of the contemnor No. 1 and considering the plea made before us, we deem it appropriate to impose a fine of Rs. 5,00,000/- (rupees five lakh) in place of sentence, which shall be deposited with the Supreme Court Legal Services Committee within a period of two months from today, failing which, he shall undergo civil imprisonment of one month. So far as contemnor No. 2 is concerned, who is present-in-person in Court, looking to sequel of facts and his conduct, we sentence him to undergo three months' civil imprisonment along with a fine of Rs. 1,00,000/- to be deposited with the Supreme Court Legal Services Committee within two months from today. In case of default, he shall undergo a further period of civil prison for one month. The contemnor no. 2 is hereby directed to be taken into custody by the security personnel of this Court and be handed over to the concerned authorities of Tihar Jail to serve the sentence as directed.

23. In view of the fact that the Rent Controlling

Authority has been noticed for contempt by co-ordinate Bench of this Court in SLP (C) No. 27184 of 2025 for proceeding with the application seeking recall despite order of this Court, therefore we desist from passing any directions to him/her for taking the possession. The District Judge, Saharanpur, is hereby directed to take the possession of the demised premises with the help of the police and the administration, if any required. The articles belonging to the contemnors shall be handed over to contemnor No. 1 under acknowledgment, and in case any article is left over and unclaimed, inventory shall be prepared and with the help of administration, it/they shall be kept in safe custody, to be later delivered to the tenants on demand after due verification. The report of the compliance of the directions shall be filed before the Registry of this Court within a period of three weeks.

24. Accordingly, the present contempt petition stands disposed of. Pending application(s), if any shall stand disposed of.

....., J .
[J.K. MAHESHWARI]

....., J .
[VIJAY BISHNOI]

New Delhi;
September 26, 2025.

ITEM NO. 46/1

COURT NO.4

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CONMT.PET.(C) No. 218/2025 in SLP(C) No. 21177/2024

M/S LAXMI CONSTRUCTION & ANR.

Petitioner(s)

VERSUS

HARSH GOYAL & ANR.

Respondent(s)

(IA No. 184173/2025 - EXEMPTION FROM FILING O.T. IA No. 182474/2025 - EXEMPTION FROM FILING O.T. IA No. 139447/2025 - EXEMPTION FROM FILING O.T. IA No. 184172/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES IA No. 182471/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES IA No. 184536/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 26-09-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE VIJAY BISHNOI

For Petitioner(s) : Mr. Rauf Rahim, Sr. Adv.
Mr. Rohit Amit Sthalekar, AOR
Mr. Ali Rahim, Adv.
Mr. Mohsin Rahim, Adv.
Mr. Shashank Singh, Adv.

For Respondent(s) : Mr. Sagar Pahune Patil, AOR
Mr. R. Sudhakaran, AOR

UPON hearing the counsel the Court made the following
O R D E R

- 1 Heard learned counsel for the parties.
- 2 The contempt petitions are disposed of, in terms of the detailed signed order.
- 3 Pending application(s), if any, shall stand disposed of.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(NAND KISHOR)
ASSISTANT REGISTRAR

(Detailed signed order is placed on the file)

ITEM NO.46

COURT NO.4

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CONMT.PET.(C) No. 218/2025 in SLP(C) No. 21177/2024

M/S LAXMI CONSTRUCTION & ANR.

Petitioner(s)

VERSUS

HARSH GOYAL & ANR.

Respondent(s)

(IA No. 184173/2025 - EXEMPTION FROM FILING O.T. IA No. 182474/2025 - EXEMPTION FROM FILING O.T. IA No. 139447/2025 - EXEMPTION FROM FILING O.T. IA No. 184172/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES IA No. 182471/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES IA No. 184536/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 26-09-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE VIJAY BISHNOI

For Petitioner(s) : Mr. Rauf Rahim, Sr. Adv.
Mr. Rohit Amit Sthalekar, AOR
Mr. Ali Rahim, Adv.
Mr. Mohsin Rahim, Adv.
Mr. Shashank Singh, Adv.

For Respondent(s) : Mr. Sagar Pahune Patil, AOR
Mr. R. Sudhakaran, AOR

UPON hearing the counsel the Court made the following
O R D E R

- 1 Heard learned counsel for the parties.
2. In terms of the submissions made before us and in the facts and circumstances of the case, we are of the view that the contemnors are guilty of deliberate and willful non-compliance of the order of this Court passed on 20.09.2024 and 09.09.2025.

3. On the question of punishment, learned counsel for the contemnor No.1 submitted that the alleged contemnor is about 82 years of age and requested that the punishment of civil imprisonment may not be imposed except to direct for amount of fine.

4. The contemnor No.2 appearing in person on being asked on the point of punishment, submits that in furtherance to the order of this Court, they were vacating the premises but in the meantime, the order dated 22.9.2025 was received on 24.9.2025 wherein a direction was issued that issue of ownership be decided by the Rent Controlling Authority within a period of 90 days. Therefore, they have stopped vacating the premises. It is urged by him that the petitioner (herein) is not the owner and the issue of ownership is still required to be decided by the Rent Controlling Authority. Therefore, as directed on 09.09.2025, the possession has not been handed over. He further submits that leniency may be adopted against him.

5. Having considered the submissions as made before us,

we are of the considered view that both the contemnors are guilty of deliberate and willful non-compliance of the directions passed by this Court and repeatedly attempting to make incorrect and misleading statements contrary to the record. However, we take a lenient view so far as it relate to Contemnor No. 1 is concerned and impose the fine of Rs.5,00,000/- (Rupees five lakh only) in place of sentence which shall be deposited with the Supreme Court Legal Services Committee within a period of two months from today otherwise he shall serve the civil prison of one month.

6. So far as Contemnor No. 2 is concerned, looking to his conduct, as indicted hereinabove, we are inclined to punish him by sentence for a period of three months' civil prison and fine of Rs.1,00,000/- to be deposited with the Supreme Court Legal Services Committee within two months from today. In default of payment of fine, he shall serve a further period of civil prison for one month. He shall be taken into custody by the security personnel of this Court and be handed over to the jail authorities of Tihar Jail, Delhi to serve the sentence as

directed.

7. Since the Rent Controlling Authority has been issued a show cause notice in Contempt Petition (C) No. 218 of 2025 in SLP (C) No. 21177/2024, therefore, we directed that the appellate authority, i.e, District Judge, Saharanpur, Uttar Pradesh shall appoint a bailiff to take the possession of the premises in question with the police help and to take possession within a period of two weeks. If any articles of the tenant are found, its inventory be prepared and with the help of the administration it be kept in safe custody to deliver to the tenants, if demanded. The report of the action taken by the appellate authority be submitted to the Registrar of this Court.

8 In the above terms, the contempt petition is disposed of.

9. Detailed order to follow.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(NAND KISHOR)
ASSISTANT REGISTRAR